

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**JAMES HARRISON,**

**Plaintiff,**

**v.**

**3:13-CV-835  
(FJS/CFH)**

**CAROLYN W. COLVIN, Commissioner  
of Social Security,**

**Defendant.**

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**APPEARANCES**

**OF COUNSEL**

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Attorneys for Plaintiff

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**SOCIAL SECURITY ADMINISTRATION  
OFFICE OF REGIONAL GENERAL  
COUNSEL, REGION II**

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Attorneys for Defendant

**TOMASINA DIGRIGOLI, ESQ.**

**SCULLIN, Senior Judge**

**ORDER**

Plaintiff commenced this action, seeking a review of the Commissioner's final decision denying his application for disability insurance benefits. *See* Dkt. No. 1. Defendant filed her answer and the administrative record on November 14, 2013. *See* Dkt. Nos. 8, 10. Plaintiff filed her brief on February 14, 2014, *see* Dkt. No. 13; and Defendant filed her brief on March 31, 2014, *see* Dkt. No. 14. On May 20, 2014, Magistrate Judge Hummel issued his Report-

Recommendation and Order, in which he recommended that the Court affirm Defendant's final decision and deny Plaintiff's motion for judgment on the pleadings. *See* Dkt. No. 17 at 39.

Plaintiff has filed objections to those recommendations. *See* Dkt. No. 18.<sup>1</sup>

When a party makes specific objections to portions of a magistrate judge's report and recommendation, the court conducts a *de novo* review of those recommendations. *See Trombley v. O'Neill*, No. 8:11-CV-0569, 2011 WL 5881781, \*2 (N.D.N.Y. Nov. 23, 2011) (citing Fed. R. Civ. P. 72(b)(2); 28 U.S.C. § 636(b)(1)(C)). Where a party makes only conclusory or general objections, however, the court reviews the report and recommendation for "clear error" only. *See Salmini v. Astrue*, No. 3:06-CV-458, 2009 WL 1794741, \*1 (N.D.N.Y. June 23, 2009) (quotation omitted). After conducting the appropriate review, a district court may decide to accept, reject or modify those recommendations. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, \*10 (N.D.N.Y. Sept. 29, 2009) (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has conducted a *de novo* review of the record in light of Plaintiff's specific objections, primarily related to the Administrative Law Judge's ("ALJ") treatment of, and reliance upon, the testimony of Dr. Goldman. Having completed that review, the Court finds that, as Magistrate Judge Hummel explained in his comprehensive analysis of the ALJ's decision, the ALJ thoroughly reviewed the medical evidence, applied the correct legal standards, and reached a decision that was supported by substantial evidence. Accordingly, the Court hereby

**ORDERS** that Magistrate Judge Hummel's May 20, 2014 Report-Recommendation and Order is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

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<sup>1</sup> The Court notes that Plaintiff's objections do not comply with Local Rule 10.1, which provides, in pertinent part, that "all text in the body of the document must be double-spaced[.]" Local Rule 10.1.

**ORDERS** that Defendant's decision is **AFFIRMED**; and the Court further

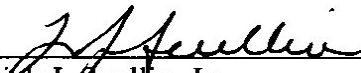
**ORDERS** that Defendant's motion for judgment on the pleadings is **GRANTED**; and the Court further

**ORDERS** that Plaintiff's motion for judgment on the pleadings is **DENIED**; and the Court further

**ORDERS** that the Clerk of the Court shall enter judgment in favor of Defendant and close this case.

**IT IS SO ORDERED.**

Dated: September 25, 2014  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge